

WORLD TRADE ORGANIZATION

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Negotiating Group on Trade Facilitation

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COMMUNICATION FROM HONG KONG CHINA, KOREA, AND SWITZERLAND

The following communication, dated 2 June 2006, is being circulated at the request of the Delegations of Hong Kong China, Korea, and Switzerland.

ACCEPTANCE OF COMMERCIALY AVAILABLE INFORMATION AND OF COPIES (H.1.F.)

1. Following-up with the joint communication TN/TF/W/92 by the Delegations of Hong Kong China, Korea and Switzerland, the following draft text is submitted for consideration by the Negotiating Group.

Textual proposal on the acceptance of commercially available information and of copies¹

Customs and other border agencies shall require only those documents necessary to permit control of the operation and to ensure that all requirements relating to the application of relevant laws have been complied with.

For goods subject to control of legislation conformity and documentation requirement, customs and other border agencies shall endeavour to accept copies of documents, in particular (a) commercial documents (invoices, bills of lading, etc.); and (b) where a government agency already holds the original and multiple authorities are involved. In the case of (b), Members shall accept authenticated copies by the agency holding the original in lieu of the original document.

Customs and other border agencies shall endeavour to use relevant information already available in the context of commercial transactions (e.g., quantity and commercial description of the goods) and submitted to customs and other border agencies as a means of foregoing the relevant information in supporting documents.

In cases where Goods declarations and other supporting documents are lodged electronically and authenticated by electronic signatures or electronic procedures and received by customs and other border agencies, no other original of these documents shall be requested by customs and other border agencies.

¹ The text is intended to be consistent with the relevant standards contained in Chapter 3, General Annex of the Revised Kyoto Convention (in particular: GA 3.15, 3.16, 3.17, and 3.19)

Customs and other border agencies shall endeavour to allow supporting documents not to be presented provided they are held available by the declarant, requisite information is provided by the declarant about the documents, and the documents are available from the declarant for a specific period.

Customs and other border agencies shall not require a translation of the particulars of supporting documents (e.g., invoices, bills of lading), except when necessary to permit processing of the Goods declaration.

Elements on which substantive discussion has taken place in the NGTF on a horizontal basis:

2. *Special and differential treatment, technical assistance and capacity building:* The co-sponsors propose that these issues be taken forward through the development of a horizontal mechanism that would, among others, take full account of the needs, priorities, cost concerns and implementation capacities of developing and least-developed Members in relation to commitments. A number of relevant submissions on this issue have been made to the Negotiating Group, one of which contained a textual proposal.
